

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

In the matter of:

ARTHUR B. COOPER
CRD #1856331
8025 E. Redwing
Scottsdale, Arizona 85250

LINDA EBINGER-COOPER
CRD # 1353173
8025 E. Redwing
Scottsdale, Arizona 85250

Respondents.

DOCKET NO. S-03550A-04-0000

SECURITIES DIVISION'S
MOTION TO CONTINUE
ADMINISTRATIVE HEARING

The Securities Division ("Division") of the Arizona Corporation Commission hereby moves to continue the administrative hearing scheduled for December 5, 6 and 7 to date after January 31, 2005.

For the reasons addressed in the following Memorandum of Points and Authorities, the Division's Motion to Continue Administrative Hearing should be allowed.

Respectfully submitted this 30th day of November, 2005.

By

Wendy Coy
Wendy Coy
Attorney for the Securities Division of the
Arizona Corporation Commission

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MEMORANDUM OF POINTS AND AUTHORITIES

On December 15, 2004, the Division filed a Notice of Opportunity for Hearing against Arthur B. Cooper and Linda Ebinger-Cooper (collectively "Respondents"), in which Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of membership interests and/or investment contracts. On December 29, 2004, a request for hearing was filed for Respondents. On January 3, 2005, by Procedural Order, a pre-hearing conference was scheduled. On February 3, 2005, a pre-hearing conference was held, and by Procedural Order, a hearing was scheduled for May 17, 2005.

On April 28, 2005, the parties filed a stipulation to continue the hearing. On May 2, 2005, by Procedural Order, the hearing was continued from May 17, 2005 to June 29, 2005. On June 21, 2005, the parties filed a stipulation to continue the proceeding to a date after October 10, 2005, and to allow for three days of hearing. On June 22, 2005, by Procedural Order, the hearing was continued to October 11, 2005 at 9:30 a.m. with October 12 and 19, 2005 set aside for additional days of hearing. The hearing was later continued to November 1, 2005.

On October 16, 2005, the Respondents filed for protection under Chapter 13 of the United States Bankruptcy Code. The case number for the bankruptcy matter is 2:05-bk-26746-RJH. On or about October 31, 2005, the hearing was continued to December 5, 2005 with December 6 and 7 set aside for additional days of hearing. On November 4, 2005, the Division, at the request of the Administrative Law Judge, filed a Motion for Relief from the Automatic Stay ("Motion for Relief") with the United States Bankruptcy Court. On November 21, 2005, the Respondents/Debtors filed their Response to the Division's Motion for Relief. Subsequently, a preliminary hearing on the Motion for Relief was scheduled for December 12, 2005 at 10 a.m.

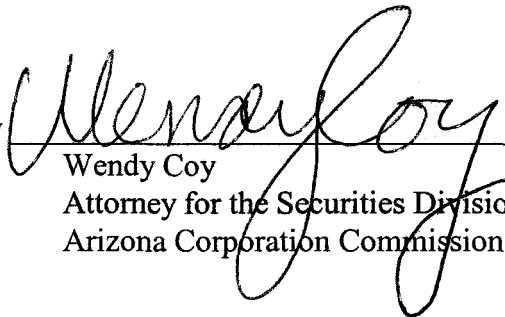
Mark Chester, attorney for the respondents in the administrative matter, has not yet obtained approval from the Bankruptcy Court to represent the respondents in the administrative matter. Also, Lawrence Hirsch, the attorney for the Respondents in the bankruptcy matter, has indicated that he will not be able to attend the preliminary hearing on December 12, 2005. The Bankruptcy

1 Court Judge determines the available dates for preliminary hearings on motions for relief from
2 automatic stay. The next available date for a preliminary hearing is in January 2006.

3 WHEREFORE, the Division requests that the administrative hearing be continued to a date
4 after January 31, 2006, and that three days of hearing be allowed.

5 RESPECTFULLY SUBMITTED this 30th day of November, 2005.
6
7

8 By



Wendy Coy

Attorney for the Securities Division of the
Arizona Corporation Commission

1 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
2 filed this 30th day of November, 2005, with

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington
6 Phoenix, AZ 85007

7
8 COPY of the foregoing hand-delivered this
9 30th day of November, 2005, to:

10
11 ALJ Marc Stern
12 Arizona Corporation Commission/Hearing Division
13 1200 West Washington
14 Phoenix, AZ 85007

15
16 COPY of the foregoing mailed
17 this 30th day of November, 2005, to:

18
19 Mark D. Chester
20 CHESTER & SHEIN, P.C.
21 8777 N. Gainey Center Drive, Suite 191
22 Scottsdale, Arizona 85258
23 Attorney for Defendants

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25 Lawrence D. Hirsch
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By: 